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Situation of human rights in the Syrian Arab Republic

Report of the Secretary-General

Summary

The report is submitted pursuant to General Assembly resolution 70/234, in which the Assembly requested the Secretary-General to report, within 45 days, on the implementation of the resolution by the Syrian authorities. In the resolution, the Assembly demanded that all parties should immediately put an end to violations and abuses of international human rights law and violations of international humanitarian law. The report covers the period from 1 November 2015 to 1 February 2016, and provides an update on respect for international human rights law and international humanitarian law in the Syrian Arab Republic.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 70/234, in which the Assembly requested the Secretary-General to report, within 45 days, on the implementation of the resolution by the Syrian authorities. In the resolution, the Assembly demanded that all parties should immediately put an end to all violations and abuses of international human rights law and violations of international humanitarian law.

2. The report provides an update on respect for international human rights law and international humanitarian law in the Syrian Arab Republic. It should be read in conjunction with the reports of the Independent International Commission of Inquiry on the Syrian Arab Republic.[1]

3. The report is based on information available to United Nations entities on the ground and in the region, from the Government of the Syrian Arab Republic and from open sources. It covers the period from 1 November 2015 to 1 February 2016.

II. International legal obligations

4. The Syrian Arab Republic is party to several international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict and the Convention on the Prevention and Punishment of the Crime of Genocide. The Syrian authorities are therefore bound to respect, protect, promote and fulfil the rights contained in those treaties.

5. All parties to the armed conflict are bound by the relevant provisions of international humanitarian law.

III. Major developments

6. Human rights violations and abuses and violations of international humanitarian law continued unabated in the Syrian Arab Republic. Civilians continued to be killed and injured in large numbers by air strikes, mortar and artillery fire and by improvised explosive devices, such as barrel and car bombs.

7. The Office of the United Nations High Commissioner for Human Rights (OHCHR) documented a wide range of human rights violations by government forces and armed groups affiliated with the Government, including violations of the right to life, the right to be free from torture or cruel, inhuman, or degrading treatment or punishment, the right to liberty and security of person, the right to liberty of movement, the right to freedom of association and the right to freedom of expression. OHCHR also documented serious violations of international

[1] For a comprehensive list of reports, see: http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx.

humanitarian law by Syrian officials, which included grave breaches of common article 3 of the Geneva Conventions, including cruel treatment and torture, humiliating and degrading treatment, and failing to care for the sick and wounded. In addition, OHCHR documented allegations of serious violations of the laws and customs applicable in non-international armed conflicts by the Syrian authorities, including the displacement of civilians, the use of starvation as a weapon of war against civilians, the failure to respect the principles of distinction, proportionality and precautions in attack and the prohibition of indiscriminate attacks.

8. OHCHR also documented violations of international humanitarian law by non-State armed opposition groups and United Nations-designated terrorist groups. In terms of common article 3 of the Geneva Conventions, they included failing to protect persons taking no active part in hostilities and subjecting them to violence to life and person, including murder, cruel treatment and torture; committing outrages upon personal dignity, particularly humiliating and degrading treatment; the taking of hostages; and the passing of sentences or carrying out of executions without judicial safeguards. OHCHR further documented allegations that armed groups affiliated with the Government, non-State armed opposition groups and United Nations-designated terrorist groups were violating the laws and customs applicable in non-international armed conflicts, such as failing to adhere to the international humanitarian law principles of distinction, proportionality and precautions in attack, the prohibition of indiscriminate attacks, rape, sexual slavery, the recruitment of children and their use in hostilities under 18 years of age and the displacement and deportation of civilians.

9. OHCHR has also received numerous reports claiming that foreign States, in numerous instances, failed to comply with their obligations under international law, including the core international humanitarian law principles of distinction, proportionality and precautions in attack.

A. Civilians in the context of hostilities

10. OHCHR continued to document a large number of military attacks, launched from the air and ground by both government forces and their allies, armed groups and United Nations-designated terrorist groups, which killed and wounded civilians.

11. The area of eastern Ghutah in Rif Dimashq was heavily attacked by government forces, with the town of Duma especially hard hit. Between 2 and 22 November, OHCHR documented at least four separate attacks in which a minimum of 43 civilians, including 12 children, were killed and many more injured by air strikes, mortars and shelling of residential areas. Severe damage to the local infrastructure was also reported. The Ghannam marketplace repeatedly witnessed civilian casualties: on 4 December 2015, six civilians, including two children, were reportedly killed when bombs were dropped on the marketplace. The market was hit again on 6 December, by mortars, and seven civilians, including two children, were allegedly killed. On 13 December, at least 41 civilians, including 9 children, were reportedly killed and at least 89 injured in a series of air strikes that lasted several hours. Four schools were reportedly damaged in the attack, with the Duma II and Hasan al-Basri schools alleged to have sustained significant damage. In the latter, eight children and four teachers were reportedly killed.

12. In Homs governorate, six civilians were reportedly killed in the village of Hulah on 3 December, as a result of heavy shelling allegedly launched by the Government from a checkpoint situated near the water company offices. At least 10 civilians, including 3 children, were reportedly killed on 4 December when a rocket struck a residential area in Talbiseh. The town was hit again several times from the air between 15 and 21 December, resulting in the reported death and injury of an undetermined number of civilians. The Government reportedly launched air strikes on Rastan on 20 December, killing three civilians, and on 22 December, reportedly killing at least two civilians. On the same day, two civilians, including a 2-year-old child, were allegedly killed in Taiba when a rocket struck their house. The attack also reportedly resulted in the displacement of a number of civilians to neighbouring villages. On 23 December, two civilians were allegedly killed in government air strikes on the village of Taldu.

13. In Aleppo governorate, witnesses reported several incidents in which alleged government air strikes caused civilian casualties in opposition-controlled areas of Aleppo. Between 14 and 21 December, at least nine civilians were killed, including four children, and dozens were injured in the neighbourhoods of Marjah, Firdaws, Ma'adi and Asharafiyah, Hallak and Shaykh Faris. Outside the city itself, 11 civilians, including a child, were reportedly killed on 17 December in I'zaz by an alleged government air strike. On 19 December, six civilians were reportedly killed in the village of Huraytan, in an alleged government air strike.

14. Meanwhile, non-State armed opposition groups continued to launch attacks on civilian areas through the use of mortars, improvised projectiles, artillery shells and improvised explosive devices, including suicide and car bombs.

15. In November and December, mortars and rockets were fired into the centre of Damascus and government-controlled areas of Aleppo and Ladhiqiyah, reportedly causing numerous civilian casualties. The United Nations documented at least 191 mortar strikes on Damascus in November, which killed at least 13 civilians. Furthermore, the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva sent two notes verbales to OHCHR, dated 18 November and 3 December 2015, claiming that, in October and November, 252 rockets had been fired by opposition forces at civilian areas in the governorates of Damascus and Rif Dimashq, 55 in Aleppo, 17 in Homs, 1 in Hama, 3 in Ladhiqiyah and 45 in Dar'a. According to the Syrian authorities, 43 civilians had allegedly been killed and 218 wounded as a result of those attacks, with damage to private and public property also reported. Such attacks were reported by the Government to have continued throughout December, with mortars and rockets hitting civilian neighbourhoods, markets and buildings, including places of worship, schools and medical facilities. The attacks allegedly killed and injured many civilians, including women and children, and damaged infrastructure and residential buildings. They affected busy and densely populated civilian areas, such as Bab Tuma, Baramkah, Abu Rummanah, Sha'alan, Hamra' Street, Umawiyin, Salihiya, Duwaylah and Thawrah Street. According to unconfirmed information provided by the Syrian authorities to OHCHR, 222 civilians, including at least 18 children, were killed and 585, including at least 28 children, injured in attacks launched by armed opposition groups on civilian areas in December. The attacks allegedly occurred in the governorates of Aleppo, Hasakah, Damascus, Idlib, Rif Dimashq, Dayr al-Zawr, Hama, Homs and Qunaytirah. The weapons used were listed as mortars, artillery fire, car bombs, landmines, sniper fire and improvised explosive devices, including home-made rockets, mortars and pipe bombs.

16. With regard to attacks by the designated terrorist group Islamic State in Iraq and the Levant (ISIL), December witnessed a sharp increase in the number of car and suicide bombings in civilian areas of government- and Kurdish-held towns and cities, reportedly causing a large number of civilian casualties. On 12 December, a bomb hidden in a Syrian Arab Red Crescent vehicle was placed near the Ahli Hospital, in the Zahra' neighbourhood of Homs. The explosion allegedly killed at least 16 civilians and injured 45. On 10 December, three tankers filled with explosives were detonated in the middle of Tal! Thamir, reportedly killing 22 civilians. In that instance, ISIL stated that it had been targeting Kurdish forces. On 30 December, at approximately 10 p.m., bombs went off in the Miami and Gibrail restaurants in the predominantly Christian neighbourhood of Wastah, in the town of Qamishli. At least 16 civilians were reportedly killed and at least 30 injured. ISIL separately claimed responsibility for all those attacks. On 28 December, a car bomb exploded, followed shortly by a suicide bombing in the Zahra' neighbourhood, killing more than 30 civilians and injuring at least 90. No group claimed responsibility for the attack.

17. Reports were also received by OHCHR indicating the use of human shields by non-State armed opposition groups and ISIL, in clear violation of international humanitarian law. In Rif Dimashq governorate, on 1 November, the armed group Army of Islam circulated a video showing men and women in civilian clothing placed in cages and being driven around Duma. In the video, a person claiming to be a Syrian army officer and a group of women were filmed in cages, calling upon the Syrian army and Russian forces to stop the bombing and killing of innocent civilians in eastern Ghutah. According to additional information available to OHCHR, civilians, along with other protected persons, including captured soldiers and their families, were placed in around 100 cages on the back of pickups and driven around Duma. A spokesperson for the Army of Islam later denied using the captives as human shields, claiming that it had been meant more as a bargaining chip to save the lives of children and civilians in Duma.

18. There is great concern for civilians living in areas under the control of ISIL. OHCHR received information that, owing to the intensification of air strikes on Raqqah and Dayr al-Zawr governorates following the terrorist attacks in Paris of 13 November 2015, ISIL began preventing all civilians under 60 years of age from leaving areas under its control, except for urgent medical cases. Drivers caught attempting to smuggle civilians out of ISIL areas were subject to a fine of $5,000. Reports also suggest that ISIL has been using civilian residential buildings as shelter for its fighters in Raqqah and that members of ISIL have been sheltering in bunkers located under residential buildings.

19. OHCHR received allegations that at least 214 civilians had been killed by air strikes carried out by international actors in November and at least 217 civilians in December. Those attacks also damaged or destroyed schools and medical facilities. However, the allegations could not be adequately verified, owing to the difficulty of gaining access to the areas and of identifying high-flying aircraft. Numerous reports were received claiming to provide information regarding responsibility for many of the air strikes in which civilians were either killed or injured. The quantity of such reports from various sources in 2016 referring to a large number of incidents is a matter of serious concern.

B. Executions

20. Reports continued to be received of ISIL conducting executions in areas under its control. The executions were often preceded by outrages upon personal dignity, including humiliating and degrading treatment, and the executions themselves were conducted in a manner inflicting unnecessary suffering. For example, on 2 November, in the town of Albu Kamal, ISIL reportedly crucified and killed a man accused of robbery near the great mosque. On the same day, in the village of Mayishiya, ISIL reportedly beheaded an 80-year-old man for blasphemy. On 4 December, in the village of Qahtaniyah, after Friday noon prayers, ISIL fighters reportedly beheaded a person accused of being a spy. On 8 December, they reportedly executed three people for allegedly mocking ISIL and hung their bodies up at the Kanisah roundabout, in the town of Tabaqah. On 3 December, ISIL released a video showing the execution of six residents of Dayr al-Zawr who had been accused of dealing with the Government. The video appears to show children under 15 years of age carrying out the executions. On the same day, in the vicinity of the Masriya roundabout, in Albu Kamal, ISIL reportedly executed a woman for blasphemy. On 4 December, ISIL informed the families of two children of 15 and 17 years of age, from the town of Kharitah, that they had been executed. On 22 December, ISIL reportedly executed three people in Tadmur (Palmyra), accusing them of collaboration with the Government.

C. Detention and deprivation of liberty

21. OHCHR has continued to document cases of arbitrary detention, deprivation of liberty, enforced disappearances, torture and other cruel, inhuman or degrading treatment or punishment and a lack of access to adequate medical care in detention facilities.

22. On 17 November, inmates in the government-run Homs central prison reportedly protested against ill-treatment, including harassment of female detainees and visitors by one particular prison guard, along with the alleged torture of a male prisoner who had been informed that he was being released. Prison guards reportedly used live ammunition and tear gas in an attempt to put down the protest, injuring some of the detainees. A video message from prisoners posted on the Internet claimed that electricity, water and food supplies to the prison had been cut off for a period.

23. OHCHR has received information about an outbreak of tuberculosis in Hama central prison. As at mid-October, there were at least 30 inmates with suspected symptoms. Only a few of the sick detainees were allegedly able to obtain medicine after bribing prison guards. In an encouraging move, however, information received indicated that in late November/early December, the authorities had allowed the Syrian Arab Red Crescent into the prison to provide medical treatment to inmates. As with all central prisons in the Syrian Arab Republic, those of Hama and Homs fall under the authority of the Prisons Division of the Ministry of the Interior.

24. There was also growing concern regarding the deterioration of conditions in the women's section of Adra central prison, in Damascus, following unconfirmed reports that nearly 300 additional detainees had been brought to the section in November and December, leading to severe overcrowding of the already cramped

section. Those detainees were reportedly transferred from various security branches, including Khatib branch, the Palestine branch and the Directorate of Political Security. The large majority were reportedly being held for participation in anti-government protests over the past years. OHCHR was also informed that the deteriorating situation had been exacerbated by the lack of medical care and adequate clothing. Of particular concern was the information that 17 children were reportedly being detained with their mothers. Intermittent clashes between government forces and non-State armed opposition groups in the vicinity of the women's section allegedly prevented any further transfer of ill detainees from the prison to Harasta hospital for medical care.

25. OHCHR received various reports regarding deprivation of liberty and forced recruitment of civilians by the Syrian Kurdish People's Protection Units (YPG) non-State armed opposition group. On 18 December, YPG reportedly arrested eight Kurdish civilians for participating in protests in the town of Mu'abbadah, rural Malikiyah, against abuses perpetrated by YPG against civilians. On 21 December, YPG raided the village of Umariyin, 20 km south of Qamishli, and reportedly assaulted an older man for speaking out against the group's cruel treatment of civilians. Three other civilians were arrested for the same reason. On 14 December, YPG fighters reportedly entered the village of Suwaydiyah, southern rural Hasakah, and forcibly conscripted 34 Kurdish civilians, including women and children. Families who opposed the recruitments were reportedly deprived of their liberty. On 20 December, YPG allegedly forcibly conscripted civilians at the Sinalko and Sabbagh roundabouts in Hasakah city. On 21 December, YPG reportedly entered the village of Rahya al-Bani Sab', Hasakah, and forcibly conscripted Kurdish civilians.

26. In areas under its control, ISIL continued to deprive civilians of their liberty and to ill-treat and torture them. OHCHR received reports that ISIL was inflicting cruel and degrading treatment on civilians deemed to have violated radical religious rules imposed by the group on the local population. In November, several incidents were reported of women being deprived of their liberty by the Khansa' (female police) and Hisbah branches of ISIL, in Dayr al-Zawr. The stated reasons included, but were not limited to, failing to wear the correct clothes as dictated by ISIL, adultery and leaving their home alone without the necessary ISIL-directed male guardian. Reports were also received of men being deprived of their liberty for offences ranging from not paying *zakat* and delaying prayer time to being clean-shaven. On 1 December, the Hisbah branch deprived a woman of her liberty in Sukkariyah village, eastern rural Dayr al-Zawr, for allegedly failing to wear the correct clothes. On 3 December, the Khansa' branch deprived two women of their liberty in Albu Kamal, allegedly for speaking loudly while walking in a local market. The following day, in Jala' town, ISIL fighters deprived three civilians, including a child, of their liberty for being late for prayers. On 9 December, in Tabaqah, ISIL deprived a Christian civilian of his liberty for not paying taxes, which all Christians are obliged to pay under ISIL.

27. As at 1 February 2016, 29 United Nations staff members were missing or remained deprived of their liberty in the Syrian Arab Republic: 27 from the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 from the United Nations Development Programme and 1 from the United Nations Children's Fund (UNICEF).

D. Use of chemical weapons

28. On 6 November, the Organization for the Prohibition of Chemical Weapons (OPCW) announced that it had circulated to States parties three reports of its fact-finding mission. The mission was tasked with looking into three separate sets of incidents in which the use of toxic chemicals in the Syrian Arab Republic had been reported, in violation of international humanitarian law and human rights law, particularly with regard to violations of the right to life and the prohibition of cruel, inhuman or degrading treatment or punishment.

29. On the basis of information provided by the Government that its soldiers had sustained casualties from the use of toxic chemicals, the OPCW mission conducted three deployments to the Syrian Arab Republic. It issued an interim report, in which it detailed its analysis of an incident reported to have occurred in Jobar on 29 August 2015. On the basis of the available evidence regarding the incident, the mission could not confidently determine that a chemical had been used as a weapon.

30. A second team investigated allegations of the use of toxic chemicals between March and May 2015, in the Idlib governorate, which reportedly resulted in the deaths of six people. On the basis of an analysis of the information and evidence available to it, the mission concluded that the incidents had probably involved the use of one or more toxic chemicals, probably containing chlorine, as a weapon.

31. The mission also investigated an incident that occurred on 21 August 2015, in which a non-State actor allegedly used a chemical weapon in the town of Mari', close to Aleppo. The mission collected samples and interviewed two individuals affected by exposure and the medical staff treating them. In that case, the mission was able to confirm with the utmost confidence that at least two people had been exposed to sulfur mustard and were recovering from that exposure. The team concluded that it was very likely that the effects of sulfur mustard had resulted in the death of a baby.

32. On 23 November, the Executive Council of OPCW adopted by consensus a decision expressing grave concern regarding the findings of the fact-finding mission that chemical weapons had once again been used in the Syrian Arab Republic. The Council reaffirmed its condemnation of the use of chemical weapons by anyone under any circumstances and emphasized that any use of chemical weapons anywhere, at any time, by anyone under any circumstances was unacceptable and in violation of international law. The Council expressed its strong conviction that the individuals responsible for the use of chemical weapons should be held accountable.

E. Denial of humanitarian access

33. According to the Office for the Coordination of Humanitarian Affairs, humanitarian access throughout the north-western (northern Ladhiqiyah, Idlib and Aleppo) and north-eastern (Raqqah, Hasakah and Dayr al-Zawr) governorates remained difficult and was nearly non-existent in ISIL-controlled areas. Overall, in areas not being contested, humanitarian partners were able to continue to provide assistance. In areas being contested, humanitarian programmes were suspended owing to fighting. Six non-governmental organizations suspended their activities in northern Ladhiqiyah owing to an increase in air strikes by government forces.

34. Furthermore, siege has been systematically laid to cities, towns and villages, denying humanitarian access and, in at least some instances, apparently using starvation of civilians as a weapon of war. Indications point to both government forces and armed groups affiliated with the Government on the one side and non-State armed opposition groups on the other using trapped civilians as bargaining chips. All individuals, including those living in besieged areas, have the right to food and health. Those rights must at the very least be protected and respected, in particular by not creating any obstacles to their realization. Under common article 3 of the Geneva Conventions, parties to a conflict are to care for the sick and wounded. Intentional starvation is a serious violation of international human rights and humanitarian law and could be prosecuted as a war crime.

35. OHCHR has documented a number of sieges by government forces. The most recent and notorious case concerns the town of Madaya, near Zabadani. After the government offensive on Zabadani began on 2 July 2015, many of the residents were displaced to Madaya and other nearby villages. Government forces subsequently allegedly compelled those displaced to the nearby villages of Bludan and Ma'murah to move to Madaya. Consequently, the population of the town increased to some 40,000. At the same time, the town was placed under siege, with the support of the government-affiliated armed group Hizbullah, with imports severely restricted and civilians prevented from leaving by government forces and affiliated armed groups. Civilians seeking to leave were shot or killed by landmines placed in the surrounding countryside. Reports received by OHCHR from individuals in the town indicated that children and other civilians had died as a result of starvation and lack of access to adequate medical care. A humanitarian convoy made up of the United Nations, the International Committee of the Red Cross and the Syrian Arab Red Crescent managed to deliver aid to the town on 11 January 2016, after being granted permission by the Government. Another convoy reached the town on 14 January. The humanitarians delivering the aid found the health of civilians to be in an extremely grave condition. The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator later stated that 300 to 400 people in the local hospital were in need of immediate medical evacuation.

36. On 11 and 14 January, humanitarian aid also reached the villages of Fu'ah and Kafraya in Idlib governorate, where some 20,000 civilians were under siege by armed opposition groups, namely Ahrar al-Sham and the Nusrah Front. Although of serious concern, the humanitarian situation did not reach the gravity of that of Madaya, given that the Government was able to airlift supplies into the villages. However, fears persisted for the safety of the population, following threats by Ahrar al-Sham and the Nusrah Front that they would kill the villagers in retaliation for actions by pro-government forces against areas under the control of non-State armed opposition groups.

37. Some 200,000 people continue to live under an ISIL-imposed siege in the government-controlled Jurah, Qusur, Bughayliyah and Harabish neighbourhoods of Dayr al-Zawr. Civilians have also reportedly been prevented from leaving by government forces trapped inside the neighbourhoods. Reports indicate a complete lack of electricity and a severe water shortage. Medical assistance is also in short supply, with only field hospitals operating and restricted to emergency cases. Given that the surrounding area is controlled by ISIL, it has been impossible for the United Nations to provide humanitarian assistance. The Government has been flying in humanitarian assistance through the military airport in Dayr al-Zawr and Russian forces flew in aid in January.

F. Displacement

38. According to the Office for the Coordination of Humanitarian Affairs, displacement throughout the country remained high, with an estimated 6.5 million people not residing in their place of origin as at February 2016.[2] Continuing fighting on the ground and air strikes have been the main cause of the continued displacement. Furthermore, according to figures provided by the Office of the United Nations High Commissioner for Refugees, as at 31 December 2015, 4,602,203 Syrians were registered as refugees, including 2,503,549 in Turkey, 1,070,189 in Lebanon and 633,466 in Jordan.[3]

39. Reports received by OHCHR in December 2015 pointed towards the alleged forced displacement of civilians by YPG forces in areas under their control, in violation of international humanitarian law. On 3 December, YPG forces closed all roads leading to the city of Hasakah, reportedly preventing displaced Arab civilians coming from southern rural Hasakah from entering the city and arresting many for allegedly being linked to ISIL. On the same day, YPG fighters allegedly set houses ablaze in the Arab villages of Mabrukah, Abu al-Shakhat, Raj'an, and Raj'iya, in the district of Ra's al-Ayn, Hasakah governorate, accusing the inhabitants of having links to ISIL. On 4 December, YPG allegedly ordered Arabs from the villages of Dwayrah, Shirkah and Nasirah, southern Ra's al-Ayn, to leave their villages. Allegations were also received that YPG forces were preventing Arab civilians from the ISIL-held villages of Shaddadah and Jabal Abdulaziz from entering areas under their control, with some civilians being held in a YPG camp located in Mabrukah, Ra's al-Ayn. Sources indicated that at least 2,000 civilians from Hasakah and Raqqah were being held there. The indication is that those civilians were screened to identify possible ISIL elements among them. Reports were also received that, on 21 December, in Tall Abyad, YPG allegedly forcefully evicted from their houses 43 Arab civilians from six families, including persons with disabilities and 19 children, with no reason given for the order.

G. Right to health

40. Health facilities continued to be affected by the fighting, which hampered the right to adequate health care of the civilian population. The World Health Organization (WHO) reported that, in November, 25 incidents were reported that resulted in health facilities being damaged or destroyed in hostilities. As at 11 December, WHO had verified 3 of those incidents and was verifying the remaining 22. Two of the verified incidents concerned hospitals in Dar'a and Idlib governorates and the third concerned a primary health facility in Aleppo governorate. Two were missile strikes and one was a barrel bomb. Of the 22 incidents not yet verified, 14 reportedly concerned hospitals. Fifteen of the 25 alleged incidents reportedly involved air-to-surface missiles, 7 involved surface-to-surface missiles and 3 involved barrel bombs. According to WHO, 6 people died in those incidents, including 2 medical staff, and 45 were wounded, including 7 medical staff.

[2] See www.unocha.org/syrian-arab-republic/syria-country-profile/about-crisis.

[3] See http://data.unhcr.org/syrianrefugees/regional.php for the most recent figures.

H. Right to education

41. UNICEF raised concern that the failure to resolve an increasingly protracted conflict was threatening an entire generation of children. At the time of writing, 1 in 4 schools in the Syrian Arab Republic was not operational, given that they had been damaged, destroyed, or were being used as shelters for the internally displaced or for military purposes. Owing to the unsafe learning environment, coupled with other factors, such as insecurity, including unsafe routes to and from school, displacement and shortages of teachers and supplies, more than 2 million children were out of school inside the country and 446,000 were at a risk of dropping out.

42. UNICEF has estimated that at least 20 per cent of children have to cross active front lines of conflict to take their examinations. Some children reported taking a perilous journey, passing through countless checkpoints manned by armed fighters.

43. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), the protracted crisis has continued to reverse the educational advances achieved before 2011. According to the analysis in the Humanitarian Response Plan for the Syrian Arab Republic for 2016, produced by the Office for the Coordination of Humanitarian Affairs, nearly 6 million children and young people (in and out of school) and educational personnel, including more than 40,000 Palestine refugees, remained in need of educational assistance.[4] While the United Nations and its development partners have provided as much assistance as possible to support enrolment, rehabilitate educational facilities and improve learning experiences, with particular attention paid to psychosocial support, the acute limitation of resources and of geographical outreach has made it difficult to uphold the right to education for all. While evidence remains scarce, according to a UNESCO analysis that situation appears to apply particularly to young people of an age to be in secondary and higher education.

I. Violations of the human rights of women

44. According to the humanitarian needs overview for 2016, produced by the Office for the Coordination of Humanitarian Affairs, almost 1 in 5 of the 272 subdistricts in the country reported severe problems with sexual and gender-based violence.[5] There was significant underreporting of violations of the human rights of women, especially with regard to sexual and gender-based violence, owing to cultural norms, stigma and threats against survivors.

45. Women and girls continued to be particularly affected by radical religious laws implemented by armed groups including, but not limited to, ISIL in areas under their control. That included the public humiliation of women not abiding by radical dress codes and restrictions on their freedom of movement, association and expression. Women deemed to have violated such rules were frequently subject to inhuman and degrading treatment.

[4] See www.humanitarianresponse.info/en/system/files/documents/files/2016_hrp_syrian_arab_republic.pdf.

[5] See www.humanitarianresponse.info/en/system/files/documents/files/2016_hno_syrian_arab_republic.pdf.

46. Reports received by OHCHR indicated that ISIL continued to hold hundreds of women and girls from the Iraqi Yazidi community captive in sexual slavery in the Syrian Arab Republic and to subject them to extreme sexual and physical abuse. Most of those women were reportedly held in Raqqah governorate and many were below 18 years of age. Women and girls from the Yazidi community were reportedly sold, traded, gifted to fighters or otherwise trafficked. ISIL also reportedly forced other women and girls living in areas under its control into marriage with its fighters.

J. Violation of child rights

47. The conflict continued to result in high levels of violations affecting children. In November and December, OHCHR documented the reported killing of at least 80 children as a result of air strikes, shelling and mortars, allegedly carried out by government forces, armed groups affiliated with the Government, non-State armed opposition groups, United Nations-designated terrorist groups and international actors.

48. On 3 December, ISIL released a video of the execution of six people in the Rahbah citadel in Mayadin, Dayr al-Zawr. The victims were accused of collaborating with the Government. The video showed what appeared to be children carrying out the executions, encouraged to seek out the prisoners hidden in various parts of the citadel and kill them. On 4 December, the families of two children in the town of Kharitah in western Dayr al-Zawr were informed by ISIL that they had been killed.

49. From early 2015 until the end of October, the monitoring and reporting mechanism on grave violations against children in situations of armed conflict documented 203 cases of children being killed and 329 cases of children being injured, mostly as a result of indiscriminate attacks, including the use of explosive weapons in densely populated civilian areas. Children were also killed by snipers, in public executions, including beheadings, by ISIL (with children made to attend and participate), as a result of torture in detention and from landmines and explosive remnants of war.

50. According to UNICEF, cases of recruitment and use in hostilities of children continued to be documented. From early 2015, UNICEF verified 46 cases of recruitment (43 boys, 1 girl, 2 unknown): 21 were attributed to ISIL, 16 to non-State armed opposition groups, 5 to armed groups affiliated with the Government, 2 (including a girl) to YPG and 2 to government forces. UNICEF reported that children were increasingly recruited at younger ages (some as young as 7 years of age) by non-State armed groups. According to UNICEF, children's participation in combat was widespread and some armed opposition groups forced children to carry out grave human rights abuses, including executions and torture, while government forces allegedly submitted children to forced labour or used them as human shields.

51. OHCHR documented the forcible recruitment by YPG, on 14 December, of a boy no older than 10 years, at the Ma'shuq School, in rural Qamishli. OHCHR also received reports that the Army of Islam, based in Duma, eastern Ghutah, was continuing to recruit boys as young as 16 years of age into its ranks, primarily to distribute food and perform administrative tasks. On 11 December, ISIL publicly announced the already-known existence of a children's section among its ranks, the

"Cubs of the Caliphate". OHCHR also received allegations that ISIL was encouraging children between 10 and 14 years of age to join. Furthermore, images released by ISIL showed children being trained in military combat.

52. The monitoring and reporting mechanism documented 27 cases of arrest and detention of children by government forces and 17 cases of deprivation of liberty of children by non-State armed opposition groups. Rape and other forms of sexual violence remained severely underreported, with no cases verified in 2015. That is partly due to fear of reprisals, stigmatization and the lack of safe and confidential response services.

53. There also continued to be allegations of the early/forced marriage of girls to ISIL fighters.

54. According to a report released by UNICEF and Save the Children in July 2015, children in the Syrian Arab Republic were contributing to the family income in more than three quarters of households surveyed.[6]

K. Damage to and destruction of cultural heritage

55. The armed conflict continued to threaten and affect cultural heritage, including UNESCO World Heritage sites. According to UNESCO, cultural heritage continued to be damaged by shelling, street fighting, targeted explosions and extensive illegal excavations, in addition to being used for military bases and training areas and suffering from construction violations, quarrying and inappropriate use of archaeological sites by internally displaced populations.

56. The intentional directing of attacks against historic monuments is a violation of international humanitarian law. In November 2015, tunnel bombings reportedly caused severe damage to parts of the citadel in the ancient city of Aleppo, which was extensively destroyed and risks further irreversible destruction. UNESCO also reported that illegal excavations across archaeological sites were a major source for the illicit trafficking of cultural objects and continued to result in extensive and irreversible damage to those sites. They are also a source of funding for some of the groups engaged in the conflict. According to UNESCO, the Syrian authorities have reportedly seized more than 6,000 artefacts in the past four years. The Turkish police provided UNESCO with an extensive list of recorded illicit trafficking of artefacts that it was addressing, along with thousands of artefacts seized throughout Turkey.

L. Refugees in neighbouring countries

57. Since November 2015, about 431,000 Syrian refugees have been registered in neighbouring countries, bringing the total number of registered refugees in the region to more than 4.7 million. Although Syrian refugees have fled to numerous countries, the vast majority are currently in Turkey, followed by Lebanon, Jordan, Iraq and Egypt.

[6] See UNICEF and Save the Children "Small hands, heavy burden: how the Syria conflict is driving more children into the workforce", available from http://childrenofsyria.info/wp-content/uploads/2015/07/CHILD-LABOUR.pdf.

58. An increase in movements from the Syrian Arab Republic into neighbouring countries through unofficial crossing points continued to be reported. That trend is probably the result of increasing border enforcement at official crossing points and admission restrictions. In some countries, where unofficial border crossings have been used for several years as the sole entry points, entry has become heavily restricted and Syrian refugees have consequently been stranded in border areas for up to several months.

59. The conflict continues to pose serious security implications for the region. With worsening conditions inside the country, the safety and well-being of fleeing civilians stranded in border areas is of great concern. If those civilians are not adequately assisted and subsequently admitted to the host country, their lives will be at risk. Access to the territory, safety and prevention of refoulement remain critical.

60. The hosting of more than 4.7 million Syrian refugees has put a heavy strain on the infrastructure and economy of neighbouring countries.

IV. Access to civil status documentation

61. According to the humanitarian needs overview for 2016, a lack or loss of civil documentation was identified as one of the key protection concerns.[5] Key documents are often lost or destroyed as civilians flee the conflict or because their homes are damaged or destroyed. The ability to renew or verify such documents is further severely hampered by the lack of official civil registration services in areas outside government control or because government record offices have been affected by the fighting.

62. The lack of documentation compromises the ability of civilians to gain access to services and employment and limits their capacity to cope with the effects of the conflict. It also compromises their freedom of movement, notably their ability to move to safer locations within the country or to flee the country. Moreover, in the absence of documentation proving their age and therefore their status as children, adolescents are more susceptible to child labour and recruitment by armed actors. Unregistered children are also at risk of statelessness, particularly those born as a result of rape. Civilians also face difficulties in claiming child custody, property rights and inheritance. The tracing of families separated as a result of the conflict is also severely affected.

V. Impunity

63. Under international humanitarian law, parties to a conflict are obliged to investigate violations allegedly committed by their forces and to prosecute suspects. By the same token, those responsible for serious human rights violations and abuses, in particular those amounting to international crimes, must be promptly, thoroughly, impartially and independently investigated and those responsible must be prosecuted to ensure that victims have recourse to effective remedies.

64. To date, OHCHR has received little credible information that parties to the conflict have taken action as required by international law, such as investigations into alleged violations of international humanitarian law or reported violations and abuses of international human rights law by individuals operating under their authority.

VI. Observations

65. Notwithstanding numerous resolutions adopted by the Security Council and the General Assembly, including resolution 70/234, gross human rights violations and abuses and serious violations of international humanitarian law continue to be perpetrated on a large scale throughout the Syrian Arab Republic. The United Nations is engaged in documenting those violations, particularly through the work of the Independent International Commission of Inquiry established by the Human Rights Council in 2011. Through my monthly reports to the Security Council on the implementation of resolutions 2139 (2014), 2165 (2014) and 2191 (2014), I have repeatedly expressed serious concerns about such violations and abuses and stressed that those responsible must be held to account. In that context, I reiterate my call for the situation in the Syrian Arab Republic to be referred to the International Criminal Court.

66. I am deeply troubled by the continued reports of grave human rights violations perpetrated by the Government against its own people, including deprivation of life, torture, cruel, inhuman or degrading treatment or punishment, arbitrary detention and the curtailing of the freedom of movement and expression.

67. The continued military attacks by the Government and its allies, which have killed and injured civilians, are alarming and may indicate a failure to respect the three cardinal principles of international humanitarian law: distinguishing civilians and civilian objects from fighters and military objectives, taking precautions in attack to spare civilians and civilian objects and respecting the principle of proportionality in the conduct of hostilities. Weapons are also being used indiscriminately, in violation of the principle of distinction, as their effect cannot be adequately controlled and limited to legitimate military targets. That includes explosive weapons with a large impact radius, such as barrel bombs, artillery shells and mortars, used in areas with a known high-density civilian population and at times when it is expected that a large number of civilians will be in the vicinity. Such indiscriminate attacks continue to lead to many civilian deaths and injuries, including women and children, and must cease immediately.

68. The imposition of sieges by government forces and armed groups affiliated with the Government has resulted in civilians, including children, starving to death. International humanitarian law prohibits the denial of humanitarian assistance and the use of starvation of civilians as a method of warfare. It is also a violation of human rights law if a State fails to ensure the right to freedom from hunger as the minimum essential level of the right to adequate food.

69. I condemn in the strongest terms reports indicating that non-State armed opposition groups and United Nations-designated terrorist groups are subjecting a large number of people to abduction, displacement, deportation, deprivation of liberty, murder, mutilation, cruel treatment and torture. Of particular concern are the recruitment and use of children in hostilities and the forcing of children to witness and carry out executions. I am shocked at the appalling degrading and inhuman treatment inflicted on people before execution, which is clearly intended to inflict maximum suffering and terror on the victims and the population at large.

70. I am alarmed by reports of attacks by non-State armed opposition groups and United Nations-designated terrorist groups that have killed and injured civilians and, as such, appear to fail to respect the three cardinal principles of international

humanitarian law: distinguishing civilians and civilian objects from fighters and military objectives, respecting the principle of proportionality in the conduct of hostilities and applying a precautionary approach in carrying out attacks. Weapons are similarly also being used indiscriminately or with indiscriminate effects, in violation of the principle of distinction, as their effect cannot be adequately controlled and limited to legitimate military targets. Explosive weapons with a large impact radius, such as artillery shells and mortars, and improvised explosive devices, such as car bombs and suicide bombings, are being used in areas with a known high-density civilian population and at times when it is expected that a large number of civilians will be in the vicinity. Such indiscriminate attacks continue to lead to a large number of civilian deaths and injuries, including women and children, and must cease immediately.

71. I am appalled at the information received on the imposition of sieges by non-State armed opposition groups and United Nations-designated terrorist groups, which are inflicting untold suffering upon civilians. Parties to the conflict must respect and abide by all principles of international humanitarian law.

72. Civilians continue to pay the highest price for the conflict. Women continue to be abducted, raped and sexually enslaved, while children are being killed, displaced, orphaned, recruited for or used in hostilities and forced to witness and participate in the commission of gross and serious abuses and violations. I am deeply concerned that more than 2 million children are also being denied their right to education, which poses immense challenges to the present and future of the Syrian Arab Republic. Such violations and abuses must cease immediately.

73. I urge in the strongest terms that all parties to the conflict strictly respect international law. The rights to life; not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment; to liberty and security of person; to education; to access to adequate medical care and to freedom of movement, expression and association must be protected and promoted.

74. Those who deliberately target civilians may be accused of war crimes and, when committed as part of a widespread or systematic attack against civilians, may also be accused of crimes against humanity. They must be held to account. Attacks in heavily populated areas and the damage and destruction of medical centres must cease immediately, as must the deliberate starvation of civilians as a tactic of war. I call for immediate respect for international humanitarian and human rights law, which must include the lifting of all sieges, respect for the right to freedom of movement of civilians and the right to health without distinction. I also call for access to all detention facilities for humanitarian purposes by national and international humanitarian aid providers, such as the International Red Cross and Red Crescent Movement and the United Nations. I also call upon all parties to fully cooperate with OHCHR and the Commission of Inquiry, including by granting their staff access to the country.

75. I also take this opportunity to remind all parties to the conflict of their obligation to investigate all allegations of human rights violations and abuses and violations of international humanitarian law.

76. The conflict has reduced what was a middle-income country with a high literacy rate and a respected education system to one in which nearly half the population has either fled the country or has been displaced within it. The conflict is

also a destabilizing factor for the overall security situation in the region and beyond, acting as a recruitment call for extremist groups.

77. I therefore urge the international community to work together to ensure a secure nationwide ceasefire and a comprehensive and credible peace process, while addressing the dire humanitarian and protection needs of civilians in the country and of Syrian refugees. There must be an inclusive political solution, which allows voices from the entire political, ethnic and religious spectrum to be heard and taken into account. About 250,000 people have died in the Syrian Arab Republic and we must all work towards ensuring that the suffering of the Syrian people comes promptly to an end.